

STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT
as amended by

IMPROVING AMERICA'S SCHOOLS ACT OF 1994
(Public Law 103-382)

PRELIMINARY GUIDANCE
for the
EDUCATION FOR HOMELESS CHILDREN
AND YOUTH PROGRAM
TITLE VII, SUBTITLE B

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UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, DC

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INDEX OF ABBREVIATIONS

Stewart B. McKinney Homeless Assistance Act	McKinney Act, Act
Education for Homeless Children and Youth Program	program
Office of Coordinator of Education of Homeless Children and Youth	State Coordinator, Coordinator
Elementary and Secondary Education Act of 1965, as Amended	ESEA
U.S. Secretary of Education	Secretary
U.S. Department of Education	Department
State Educational Agency	SEA
Local Educational Agency	LEA
Fiscal Year	FY

INTRODUCTION

The Education for Homeless Children and Youth program was enacted in 1987 as Title VII, Subtitle B of the Stewart B. McKinney Homeless Assistance Act. The program was amended by the McKinney Homeless Assistance Act Amendments of 1990, and more recently under the Improving America's Schools Act of 1994.

The purpose of the Education for Homeless Children and Youth program is to ensure that all homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, provided to other children and youth. State and local educational agencies are required to develop, review, and revise policies to remove barriers to the enrollment, attendance, and success in school of homeless children and youth and provide such children and youth with the opportunity to meet the same challenging State content and State student performance standards to which all students are held.

The Office of Coordinator of Education of Homeless Children and Youth in participating States prepares and implements a State plan describing how the State will provide for the education of homeless children and youth. Coordinators are responsible for identifying homeless children and youth in the State, assessing their special needs, facilitating coordination between State and local agencies providing services to homeless children and youth, and coordinating with other education and child development programs to improve the provision of comprehensive services to such children and youth.

In any fiscal year that a State receives a larger allocation of funds than it received for fiscal year (FY) 1990, it must make subgrants to local educational agencies (LEAs) to carry out the purposes of this program. Local educational agencies have considerable flexibility in using their subgrant funds. Funds may be used to provide enriched supplemental instruction, transportation, professional development, referrals to health care, and other services, facilitating the enrollment, attendance, and success in school of homeless children and youth.

PURPOSE OF THIS GUIDANCE

The guidance in this document replaces all prior nonregulatory guidance for the Education for Homeless Children and Youth program, reflecting changes made to the law by the 1994 amendments.

This document includes an explanation and interpretation of the statutory requirements authorized by the Act and provides guidance for carrying out these requirements. It does not impose any requirements beyond those in the statute and other applicable Federal statutes and regulations. While States may wish to consider the guidance in developing their own guidelines and standards, they are free to develop alternative approaches that are consistent with applicable Federal statutes and regulations. Compliance with this document, however, will be deemed by Department officials, including the Inspector General, as compliance with the applicable Federal statutes and regulations.

Throughout the document, findings from the national evaluation of the Education for Homeless Children and Youth program are cited as areas in which successes are documented and improvements are needed. The findings pose **challenges** to States and local projects to improve services and enhance overall programs. **Examples** of ways States and projects may carry out required activities are also included within the document. These examples, and findings from the national evaluation, are found in boxes located in relevant sections of the guidance.

STATE ADMINISTRATION

FUNDING

Distribution of grant funds to participating states, the District of Columbia, and Puerto Rico under the Education for Homeless Children and Youth program is proportionate to the distribution of funds under Section 1122 of the Elementary and Secondary Education Act of 1965, as amended (ESEA). The minimum grant that may be awarded to a State educational agency (SEA) in any given fiscal year is \$100,000. The Bureau of Indian Affairs receives funds under a Memorandum of Agreement with the Department to serve homeless children and youth attending schools administered by the Bureau. The Department is also authorized to reserve 0.1 percent of each year's appropriation for grants to the territories. The Department will reallocate all excess funds, either not requested by States or otherwise made available, to participating states in proportion to their original allocations.

A State may reserve for State-level activities the greater of its total FY 1990 allocation, or 5 percent of its allocation for any fiscal year. These activities, described in greater detail below, include the responsibilities of the Office of Coordinator of Education of Homeless Children and Youth, developing and carrying out a State plan, collecting data as authorized by the Act, and awarding subgrants to LEAs. States may also enter into contracts with shelters or other organizations to provide services for homeless children and youth. (Please note: Section 14201 of the ESEA regarding consolidation of State administrative funds for elementary and secondary programs does not apply to the Education for Homeless Children and Youth program.)

STATE PLANS

A State that desires to receive a grant under this program may submit to the Department either an individual State plan or a consolidated state plan. The Secretary has determined that the Education for Homeless Children and Youth program may be included in a consolidated plan. See Sections 14302 and 14303 of the ESEA.

Consolidated State Plans

States may choose to submit consolidated State plans to the Department for certain programs, including the Education for Homeless Children and Youth program. By submitting a consolidated plan, a State may obtain funds under many Federal programs through a single plan, rather than through separate program plans or applications. States are required to meet all statutory and regulatory requirements for each program included in the consolidated State plan. Consolidation is intended to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; enhance integration of programs with educational activities carried out with State and local funds; and promote the State's educational

goals for all students will effectively meeting the needs of the programs' intended beneficiaries. See Section 14302 of the ESEA.

A State may submit a consolidated plan to the Department in two stages. First, a State may submit a preliminary consolidated plan that outlines the goals and objectives that the SEA hopes to achieve through consolidation, describes the process that will be used to develop the final consolidated plan, and provides fiscal information regarding the use of funds at the State level and procedures the SEA will use to distribute funds within the State for Federal programs for which no in-State funding formula exists (this includes the Education for Homeless Children and Youth program). In general, the final consolidated State plan will provide SEAs with an opportunity to consider how the resources of programs included in the plan may be used to support the State's overall education reform strategies. The final plan may include a description of the vision the SEA has for future educational reform and possible performance measures the SEA will use to evaluate progress in reaching its goals for reform. Further guidance regarding the preparation of preliminary and final plans will be issued by the Department. For a more comprehensive description of consolidated plans, States may refer to the Federal Register notice published on January 13, 1995. The notice begins on page 3306.

For more information regarding consolidated State plans, please contact William Wooten at (202) 260-1922, or by fax at (202) 205-0303. Send correspondence to the U.S. Secretary of Education, State Consolidated Application Review, U.S. Department of Education, 600 Independence Avenue, SW (Portals, Suite 4000), Washington, DC 20202-6100.

Individual State Plans

Individual State plans must, as required by Section 722(g) of the Act:

- Describe how the SEA will ensure that homeless children and youth will be given the opportunity to meet the same challenging State student performance standards all students are expected to meet.
- Demonstrate that the SEA and LEAs have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in school.
- Describe procedures the SEA will use to ensure homeless children and youth equal access to the same free, appropriate public education, including public preschool education, as provided to other children.
- Describe procedures the SEA will use to identify homeless children and youth and assess their special needs.

- Describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.
- Describe programs for school personnel (including principals, attendance officers, teachers, and enrollment personnel), to heighten the awareness of those personnel of the specific needs of runaway and homeless youth.
- Describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, and local food programs and before- and after-school care programs.
- Address problems the State reported to the Department under Section 722(f)(4) of the Act and any problems regarding the education of homeless children and youth caused by transportation issues, as well as enrollment delays caused by immunization requirements, residency requirements, lack of birth certificates, school records, or other documentation, or guardianship issues.
- Contain an assurance that the SEA and LEAs in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.
- Demonstrate how the State will ensure that LEAs in the State will comply with the requirements in subparagraphs (3) through (9) in Section 722(g) of the Act. These requirements are discussed in further detail under "Responsibilities of Local Educational Agencies" beginning on page 10 of this document.
- Describe use of program funds for State administration and subgrants.

For further information or technical assistance on individual State plans, please contact the Program Office at (202) 260-0995 or (202) 260-0997, or by fax at (202) 260-7764.

Peer Review of State Plans

Individual and consolidated State plans submitted to the Department will be evaluated through peer review. Peer review panels will include representatives from SEAs and LEAs, teachers, and parents. Separate peer review panels will evaluate individual and consolidated State plans. Only final consolidated State plans submitted by States will be evaluated through peer review. Preliminary consolidated State plans will be evaluated only by Department officials.

Duration of State Plans

Individual and consolidated State plans will remain in effect for the duration of a State's participation in the program. A State should periodically review and revise its plan to reflect any changes in the State's strategies and programs. If a State makes significant changes in the plan, it must submit such information to the Department.

OFFICE OF THE COORDINATOR OF EDUCATION OF HOMELESS CHILDREN AND YOUTH

Development and implementation of State Plans

The Office of Coordinator of Education of Homeless Children and Youth in a participating State must develop and carry out the State plan, as described above, that explains how the SEA will provide for the education of homeless children and youth. State plans must ensure that every homeless child and youth in the State has equal access to the same free, appropriate public education, include public preschool education, as provided to other children and youth, and that such children and youth have the opportunity to meet the same challenging academic standards to which all students are held. The State plan must also demonstrate that the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in school.

The national evaluation of the Education for Homeless Children and Youth program found that 30 States reported that transportation still poses a barrier to the enrollment of homeless children and youth in school, with regard to State laws, regulations, and policies (Anderson, Janger, and Panton, 1995).

States are dealing with this problem in a variety of ways. For example, the national evaluation reported that one State recently passed a law requiring LEAs in the State to provide transportation for all children who live a certain distance from school. Another State department of education initiated a policy that requires all LEAs to provide transportation to homeless children and youth, with the State paying the cost of transporting a homeless child or youth to school outside the boundaries of the school district in which the child or youth lives.

Coordination of Services

State Coordinators shall facilitate coordination among the SEA, the State social services agency, and other agencies providing services to homeless children and youth and their families. Coordinators must also work to improve the provision of comprehensive services to these children and youth and their families through the development of relationships and coordination with other education, child development, and preschool programs, and service providers. Comprehensive services include health care, nutrition, and other social services.

Where applicable, State Coordinators must coordinate services with State and local housing agencies responsible for developing comprehensive affordable housing strategies under Section 105 of the Cranston/Gonzalez National Affordable Housing Act (Public Law 101-625). See Section 722(g)(9) of the McKinney Act. For more information regarding the National Affordable Housing Act, contact the Program Office at (202) 260-0995 or (202) 260-0997.

The national evaluation found that housing authorities generally do not consider the educational needs of the homeless when making housing placements (Anderson, Janger, and Panton, 1995).

Challenge to State Coordinators, LEAs, and homelessness liaisons:

State Coordinators, LEAs, and liaisons should coordinate with State and local housing authorities to develop a process whereby homeless families with school age children are placed in housing that is accessible to transportation facilities and school determined to be in the best interest of the children and youth.

Data Collection

State Coordinators are required to gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschools and elementary and secondary schools and the success of this program in allowing homeless children and youth to enroll, attend, and succeed in school. This provision requires States to estimate the number of homeless children and youth and the number being served directly with program funds. This requirements is for a needs assessment: it is not a requirement to count. The first report must be submitted to the Department no later than October 1, 1997, and succeeding reports on October 1 of every third year thereafter. Further information on data collection may be found in the Department report entitled Alternative Methods to Estimate the Number of Homeless Children and Youth. To obtain a copy of this report contact the Program Office at (202) 260-0995 or (202) 260-0997.

SUBGRANT COMPETITION

Local Applications

An LEA that desires to receive a subgrant under this program must submit an application to the SEA that includes the following information, as well as other information that the State may reasonably require:

- A description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services.
- An assurance that the LEA will maintain fiscal effort for the provision of free public education in the agency. See Section 723(b)(2) of the Act.
- An assurance that the LEA will comply with all statutory requirements for use of funds as described in paragraphs (3) through (9) of Section 722(g) of the Act.
- A description of policies and procedures that the LEA will implement to ensure that activities carried out by the LEA will neither isolate homeless students from the mainstream school environment nor stigmatize such students.

Awarding Subgrants on the Basis of Need

State educational agencies award subgrants to LEAs on the basis of need. In determining need, an SEA may consider a variety of factors, including the number of homeless children and youth enrolled in the schools in the LEA and the ability of the LEA to meet the special needs of such children and youth. In awarding subgrants, SEAs may also consider the following factors: the extent to which the LEA will coordinate services with other State and local agencies serving homeless children and youth; how the proposed use of funds will facilitate the enrollment, attendance, and success in school of homeless children and youth; the commitment the LEA demonstrates to provide for the education of all homeless children and youth in the agency; and other criteria that the SEA deems appropriate. Appendix B provides examples of selection criteria two States have used.

Duration of Subgrants

States may award subgrants to LEAs for a period not to exceed three years.

RESPONSIBILITIES OF LOCAL EDUCATIONAL AGENCIES

Each participating SEA must ensure that every homeless child and youth in the State has equal access to the same free, appropriate public education, including public preschool education, provided to other children. Each LEA in a participating State has responsibilities under the Act for the education of homeless children and youth in the school district.

REMOVAL OF BARRIERS TO SCHOOL ENROLLMENT

Local educational agencies in participating States are required to develop, review, and revise policies to eliminate barriers to the enrollment, retention, and success in school of homeless children and youth. Generally, these barriers involve transportation issues and enrollment delays caused by immunization requirements, residency requirements, lack of birth certificates, school records, and other documentation, and guardianship issues.

All LEAs in a participating State are encouraged to implement the additional responsibilities under the Act required of LEAs receiving subgrants. Such responsibilities include the designation of a liaison in an LEA who ensures that homeless children and youth enroll and succeed in school. Local educational agencies receiving subgrants must also coordinate services with local social service agencies and programs, including those funded under the Runaway and Homeless Youth Act.

All LEAs must provide homeless children and youth with transportation services that are at least comparable to the services provided to non-homeless children. All LEAs must also determine the particular school that is in the best interest of a child to attend and strive to eliminate barriers, including transportation barriers, to the enrollment and retention of the child in that school. In determining the extent to which additional transportation services are to be provided to homeless children beyond comparable services provided to non-homeless children, LEAs may consider how other educational or support services for homeless children may be affected.

The national evaluation found that one reason transportation is a major barrier to school enrollment for homeless children and youth is that when homeless families move, in order to find shelter or other necessary resources, locating near a school or accessible transportation services is not a primary concern of the family (Anderson, Janger, & Panton, 1995).

Challenge to Liaisons and LEAs:

Liaisons and LEAs should work with shelters and other service providers to place families with children in residential facilities near transportation services or schools determined to be in the children's best interest.

SCHOOL ENROLLMENT

Every LEA in a participating State must enroll each homeless child and youth in the school district in the school determined to be in the child's or youth's best interest. An LEA must enroll the homeless child or youth in either:

- (1) the school of origin for the remainder of the academic year or if the child or youth becomes homeless between academic years, for the following academic year; or
- (2) the school in which non-homeless students who live in the attendance area in which the child or youth is living are eligible to attend.

To the extent feasible, an LEA shall comply with the request made by a parent or guardian regarding school placement, regardless of whether the child or youth lives with the homeless parents(s) or is temporarily residing elsewhere.

The national evaluation found that family mobility may be the greatest barrier to school success for homeless students (Anderson, Janger, & Panton, 1995).

Challenge to SEAs and LEAs:

State and local educational agencies can begin to address the negative effects of family mobility on academic success by strengthening efforts to help homeless students remain enrolled in their school of origin and by focusing more attention and resources on exploring ways to help such students make progress when they move from school to school.

LIAISONS

Each LEA receiving a subgrant is required to designate an individual to serve as a homeless liaison. Local educational agencies that do not receive subgrants are also encouraged to designate homelessness liaisons. Liaisons are responsible for ensuring that homeless children and youth enroll in and succeed in school, and that such children and youth and their families receive the educational services for which they are eligible, such as Head Start and Even Start. Liaisons also provide homeless children and youth and their families with referrals to health care, dental care, mental health services, and other services as appropriate. State Coordinators and LEAs are responsible for informing school staff, local service providers, and advocates working with the homeless about the duties and responsibilities of homeless liaisons.

EXAMPLE:

Homeless liaisons expedite school placement decisions, identify homeless children, youth, and families in the community, improve coordination and the provision of programs and services for homeless children and youth, and prevent service duplication.

The national evaluation reported that the primary responsibility of homelessness liaisons is to negotiate the network of local agencies and service providers that make up the ‘system’ of services for homeless children and youth. The evaluation also found that liaisons with more experience and stronger ties to the service provider community were able to access additional support services for homeless children and youth (Anderson, Janger, & Panton, 1995).

PROVISION AND COORDINATION OF SERVICES

An LEA in a participating State must provide services to each homeless child and youth in the LEA that are comparable to services offered to other students in the school determined to be in the child’s or youth’s best interest. These services include public preschool programs, educational programs or services for which the homeless student meets the eligibility criteria, programs in vocational education, programs for gifted and talented students, before- and after-school programs, school meal programs, and transportation.

The national evaluation reported that a large proportion of homeless children and youth still experience difficulty in gaining access to needed educational services such as gifted and talented programs, special education, Head Start, and Title I, Part A (LEA Grants program) of the ESEA (Anderson, Janger, & Panton, 1995).

Challenge to SEAs and LEAs:

By improving coordination with relevant educational programs, SEAs and LEAs can provide homeless children and youth the opportunity to meet the same challenging State content and State student performance standards to which all children are held. State Coordinators, LEAs, and liaisons may also coordinate services with before- and after-school tutoring programs, programs for students with limited English proficiency and children with disabilities, and programs funded under the School-to-Work Opportunities Act, the Goals 2000: Educate America Act, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Even Start Family Literacy Program.

Coordination and provision of support services are essential to the enrollment, retention, and success of homeless children and youth in school. These services may include free and reduced-price lunch programs, health care referrals, counseling, and parenting instruction for parents of homeless children and youth.

The national evaluation found that homeless teenagers are often not provided the educational and support services that younger homeless children receive. There is a lack of awareness of the needs homeless teen have and the unique barriers faced by them in accessing necessary educational and support services (Anderson, Janger, & Panton, 1995).

Challenge to Liaisons, LEAs, and State Coordinators:

Homeless teenagers often face extreme barriers to school enrollment. Their enrollment may be impeded by efforts to address safety issues (such as curfew laws) or schools' liability concerns. They may be subject to statewide housing placement, undermining educational continuity. Their needs may be overlooked by instructional services for homeless students, which often focus exclusively on younger students. Liaisons and State Coordinators should consider the unmet needs of homeless youth when targeting program resources and developing services for homeless students, to reduce these barriers and better coordinate services among LEAs and SEAs.

Local educational agencies receiving subgrants must coordinate with other local agencies and organizations providing services to homeless children and youth and their families, including programs funded under the Runaway and Homeless Youth Act. Where applicable, LEAs receiving subgrants must also work with State and local housing agencies that are developing strategies for comprehensive affordable housing under Section 105 of the Cranston/Gonzalez National Affordable Housing Act. Local educational agencies should coordinate with State and local housing agencies whenever possible to minimize disruption in schooling of children and youth who become homeless. For more information regarding the National Affordable Housing Act or the Runaway and Homeless Youth Act, contact the Program Office at (202) 260-0995 or (202) 260-0997.

Eligibility

All homeless children and youth in participating State are eligible to receive services under the Education for Homeless Children and Youth program. See Appendix A. A child or youth who ceases to be homeless may continue to receive services until the end of the period of time for which service was originally intended to be provided, which may be the end of the school year or the end of a program cycle. For instance, a homeless children attending an after school program who moves into a permanent residence may remain in the program for the rest of that school year. State and local educational agencies must determine on a case-by-case basis whether to continue services for these children and youth.

Services to non-homeless students

Non-homeless children and youth may receive services supported through program funds if these services are provided to homeless students on school grounds and the non-homeless students are at risk of ailing or dropping out of school. See Section 723(a)(2) of the Act.

Location of Services

Local educational agencies receiving subgrants may provide services to homeless children and youth on school grounds or at other facilities. (There is no longer statutory prohibition against providing services at sectarian facilities. However, services may be provided at these facilities only to the extent constitutionally permissible.)

AUTHORIZED ACTIVITIES

All LEAs in participating States are encouraged to provide and implement the services and activities outlined below to ensure that homeless children and youth enroll and succeed in school. The statute authorizes the described activities under Section 723(d) of the Act. Local educational agencies receiving subgrants may use program funds to carry out these and other activities that promote the purposes of the program. Local educational agencies may also use subgrant funds to enter into contracts with other agencies or organizations to provide services for homeless children and youth.

Educational Services

- Tutoring, supplemental instruction, and other educational services that help homeless children and youth reach the same challenging State content and State student performance standards to which all children are held.
- Before- and after-school programs, mentoring, and summer programs for homeless children and youth. Qualified personnel may provide homework assistance, tutoring, and supervision of other educational instruction in carrying out these activities.
- Developmentally appropriate early childhood education programs for homeless children of preschool age that are not provided through other Federal, State, or local funds.
- Expedited evaluations of homeless children and youth to measure their strengths and needs. These evaluations should be done promptly in order to avoid a gap in the provision of necessary services to such children and youth. Evaluations may also determine a homeless child's or youth's eligibility for other programs and services, including Title I, Part A of the ESEA, educational programs for gifted and talented students, vocational education programs, and school lunch programs.
- Education and training programs for parents of homeless children and youth regarding the rights their children have as homeless individuals and the educational and other resources available to their children.

Professional Development

- Programs and other activities designed to raise awareness among educators and pupil services personnel of the rights of homeless children and youth under the Act, and the special needs such children and youth have as a result of their homelessness.

Coordination of Services

- Programs coordinating services provided by schools and other agencies to homeless children and youth to expand and enhance such services. Coordination with programs funded under the Runaway and Homeless Youth Act should be included in this effort.

Comprehensive Services

- Referrals of homeless children and youth to medical, dental, mental, and other health services.
- Pupil services programs providing violence prevention counseling and referrals to such counseling.
- Programs addressing the particular needs of homeless children and youth that may arise from domestic violence.

Transportation

- Paying the excess cost of transportation not otherwise provided through Federal, State, or local funds, to enable homeless children and youth to attend schools selected under Section 722(g)(3) of the Act.

School Records

- Paying fees and costs associated with tracking, obtaining, and transferring records necessary for the enrollment of homeless children and youth in school. The records may include birth certificates, guardianship records, immunization records, academic records, and evaluations of homeless children and youth determining eligibility for other programs and services.

School Supplies

- Providing supplies to non-school facilities serving homeless children and youth and adapting these facilities to enable them to provide services.
- Providing school supplies to homeless children and youth at shelters, temporary housing facilities, and other locations as appropriate.

Extraordinary or Emergency Assistance

- Providing extraordinary or emergency services to homeless children and youth as necessary to enroll and retain such children and youth in school.

TITLE I, PART A OF THE ESEA: LEA GRANTS PROGRAMS

All homeless children and youth are automatically eligible for services under Title I, Part A of the ESEA whether or not they live in a Title I school attendance area or meet the academic standards required of other children for eligibility. Homeless children and youth may receive Title I educational or support services in schools and shelters or other facilities outside of school.

Children in Non-Title I Schools

An LEA may provide Title I services to a homeless student who does not attend a Title I school. If an LEA chooses to serve homeless children and youth in non-Title I schools, it may reserve an appropriate amount for these services. This provision applies to homeless students in both public and private schools. See Appendix C of this document and Section 1113(c)(3)(A) of the ESEA.

Schoolwide Programs

Under Title I, Part A, an LEA may combine Title I funds, including Education for Homeless Children and Youth program funds, with other Federal, State, and local funds to upgrade the entire educational program in a school with a concentration of poverty that is 50 percent or more (60 percent in 1995-96). See Section 1114 of the Act. An eligible school that wishes to conduct a schoolwide program must develop a comprehensive plan for reforming the total instructional program of the school.

Schoolwide program schools will be exempted, through a notice that will be published by the Secretary in the Federal Register, from many statutory or regulatory requirements of the Federal education programs whose funds are used in the schoolwide program, so long as the intent and purposes of those programs are still met. Schoolwide program schools must still comply with certain program requirements, including requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, the supplement not supplant rule, and the distribution of program funds.

The Secretary intends to issue further guidance in the future about schoolwide programs that will address, in part, the discretionary grant process as it relates to schoolwide programs. Your comments on the issue of how to achieve both flexibility and fairness in the administration of discretionary grants, such as the Education for Homeless Children and Youth program, in a schoolwide program, would be particularly helpful.

School Selection and Reservation of Funds

Appendix C provides guidance on school selection and reservation of funds under the Title I, Part A program. The guidance is excerpted from the Preliminary Title I Guidance issued by the Department in May 1995.

Appendix A

DEFINITIONS

CHILD OR YOUTH

For the purposes of this section, “child” and “youth” mean those persons including preschool age children who, were the children of residents of the State, would be entitled to a free, appropriate public education.

FREE, APPROPRIATE PUBLIC EDUCATION

A free, appropriate public education means the educational programs and services that are provided to the children of a resident of a State and that are consistent with State school attendance laws. States and LEAs serving homeless children and youth must ensure that such children and youth have access to appropriate educational services to ensure they have the opportunities to meet the same challenging State content and State student performance standards to which all children are held.

Educational services may include Title I, Part A of the ESEA, educational programs for individuals with disabilities and for students with limited-English proficiency, programs in vocational education, programs for the gifted and talented, Head Start, Even Start, and school meals programs.

HOMELESS INDIVIDUALS

Section 103 of the Act defines the term “homeless” or “homeless individual” as an individual who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- An institution that provides a temporary residence for individuals intended to be institutionalized; or
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

For purposes of this Act, the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State.

In determining whether a child or youth is homeless, the relative permanence of the living arrangements should be considered. States and LEAs must make determinations on a case-by-case basis. In general, children or youth living in welfare hotels, transitional housing shelters, the streets, cars, abandoned buildings, and other inadequate accommodations are considered homeless.

Children and Youth in Transitional or Emergency Shelters

If children or youth are placed in a transitional or emergency shelter because there is nowhere else to send them, and they are awaiting placement in a foster home or a home for neglected children, they should be considered homeless while in the emergency or transitional shelter. Once placed in a foster home or a home for neglected children or youth, they should no longer be considered homeless.

Children and Youth Living in Trailer Parks and Camping Grounds

Children and youth staying temporarily in trailer parks or camping areas because they lack adequate living accommodations should be considered homeless. Those living in trailer parks or camping areas on a long-term basis in adequate accommodations should not be considered homeless.

Doubled-up Children and Youth

Children and youth who are living in “doubled-up” accommodations, that is, are sharing housing with other families or individuals, are considered homeless if they are doubled-up because of a loss of housing or other similar situation. Families living in doubled-up accommodations voluntarily to save money generally should not be considered homeless.

Foster Children and Youth

In general, children and youth in foster homes are not considered homeless. Many foster children are in the care of a public agency awaiting placement in more permanent situations. The foster home, although temporary, serves as a fixed, regular and adequate nighttime residence. Children placed in foster homes for lack of shelter space, however, should be considered homeless.

Incarcerated Children and Youth

Children and youth who are incarcerated for violation or alleged violation of a law should not be considered homeless even if prior to their incarceration they would have been considered homeless because they were living in inadequate accommodations. Children and youth who are under care of the State and are being held in an institution because they have no other place to live should be considered homeless. Once these children are placed in more permanent facilities, they are no longer considered homeless.

Migratory Children and Youth

Migratory children should not be considered homeless simply because they are children of migratory families. To the extent that migratory children are staying in accommodations not fit for habitation, they should be considered homeless.

Runaways

Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.

School-Age Unwed Mothers

In general, if school-age unwed mothers or expectant mothers are living in homes for unwed mothers, and they have no other available living accommodations, they should be considered homeless. However, if they are staying such a home only temporarily to receive specific health care or other services, and intend to move to other adequate accommodations, they should not be considered homeless.

Sick or Abandoned Children and Youth

There are instances where children and youth remain in a hospital beyond the time that they would normally stay for health reasons because they have been abandoned by their families. These children and youth should be considered homeless because they have no other place to live. Children and youth who were homeless prior to hospitalization should be considered to be homeless while they are in the hospital, unless regular and adequate living accommodations will be made available to them upon release from the hospital.

Throwaways

Throwaway children or youth (i.e., those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodations.

Appendix B

EXAMPLES OF SELECTION CRITERIA FOR SUBGRANTS

1. *A northeastern State uses the following criteria to determine the awarding of subgrants to LEAs:*

A. Vision: (10 points)

- Is it consistent with the program purpose?
- Is it consistent with the rest of the application?

B. Need: (10 points)

- Is there evidence that a systematic needs assessment was conducted?
- Are the identified needs supported by statistical or other documentation?
- Do the identified needs justify the purpose of the proposed project?
- For continuation grants, has the applicant provided evidence of program evaluation and success in the past year?

C. Planning Process: (10 points)

- Was an inclusive planning process undertaken?
- Who was involved and how?
- Were all mandated constituents involved in the process?

D. Program Summary and Objectives: (25 points)

- Does the proposed program address the identified needs and vision statements?
- Are the proposed plans of operation and expected program outcomes well delineated?
- Are the major objectives important, attainable, and consistent with the program purpose?
- Are the activities identified key to the accomplishments of the stated objectives?
- Are all the program requirements delineated in the design?
- Is there evidence of linkages with school and community groups that enhance the project?

E. Staffing: (5 points)

- Are the responsibilities of each key staff member fully described regardless of whether the grant is funding the position?
- Is the proposed staffing sufficient to complete proposed objectives and activities?

F. Adequacy of Resources: (5 points)

- Do the resources devoted by the LEA demonstrate adequate commitment to the project's philosophy and success?
- Are the personnel, equipment, and facilities to be provided by the applicant adequate and appropriate for accomplishing the program objectives?

G. Evaluation: (10 points)

- Is the evaluation plan likely to show which program components were successful and which were not?
- Will ongoing evaluation activities during the project operating period provide continual feedback, and aid in modifying the project activities and enhancing the probability of achieving the stated objectives?
- Are the methods of evaluation objective and do they result in quantitative and qualitative data?

H. Budget/Cost Effectiveness: (5 points)

- Is the proposed budget the best use of funds to accomplish the program objectives and activities?
- Is each requested budget item necessary for delivery of the described program?

2. *A northern mid-west State uses the following criteria to award subgrants to LEAs:*

A. Program Needs Assessment: (20 points)

- Determination of number of homeless children and youth enrolled in schools in the applying LEA.
- Data on low-income families and children in the LEA.
- Is there a partnership agreement?

B. Program Description: (56 points)

- Is the goal statement consistent with the purpose of the Act?
- Do the performance objectives encompass all significant aspects of the goals?
- Is there a clear description of services and programs?
- Is there a clear description of what activities will take place?
- How is it demonstrated, other than the partnership agreement, that there is coordination with service agencies?
- What practices exist or will be implemented to eliminate the stigmatization or isolation of homeless children and youth?

C. Evaluation: (14 points)

- Is there a provision for monitoring activities and obtaining feedback for decision-making throughout the term of the project?
- How will feedback data be used for guiding progress during the term of the project?
- What are the criteria for judging success?
- Are the methods of evaluation appropriate for the project?

D. Budget: (10 points)

- Does the budget show ----
 - a. A logical relationship to activities?
 - b. A degree of cost effectiveness?
 - c. Adequate personnel to support the proposal?
 - d. No more than 5% administrative costs?
 - e. Adequate facilities, equipment, and supplies to support the proposal?
 - f. Are the funds being appropriately used? Could another funding source be utilized for particular budget items?
 - g. Is the budget completely and properly filled out?

Appendix C

The following excerpt from the Preliminary Title I Guidance explains selection of schools for participation in the Title I, Part A program. The “Question and Answer” section explains how an LEA may reserve Title I funds to serve homeless students in non-Title I schools and for other purposes.

LEA IDENTIFICATION AND SELECTION OF SCHOOL ATTENDANCE AREAS FOR TITLE I, PART A OF THE ESEA: LEA GRANTS PROGRAMS

Section 1113 of Title I of the ESEA contains the requirements for identifying eligible school attendance areas and selecting those eligible areas that will participate in Title I. It also contains the requirements for allocating Title I funds to participating areas. The following points summarize these requirements.

General Selection Requirements

An LEA must rank all of its school attendance areas in rank order of poverty.

- **An LEA must use the same measure of poverty for:**
 - Identifying eligible school attendance areas.
 - Determining the ranking of each area.
 - Determining the allocation for each area.
- **The LEA must select a poverty measure from the following options:**
 - Children ages 5-17 in poverty counted in the most recent census data approved by the Secretary.
 - Children eligible for free and reduced-price lunches under the National Free School Lunch Act.
 - Children in families receiving assistance under the Aid to Families with Dependent Children (AFDC) program.
 - Children eligible to receive medical assistance under the Medicaid program.
 - A composite of any of the above measures.
- **An LEA must rank school attendance areas based on the percentage (not the number) of low-income children counted.**

After an LEA has ranked all of its school attendance areas by poverty, the LEA must serve, in rank order of poverty, its areas above 75 percent poverty, including any middle schools or high schools.

Only after an LEA has served all of its areas with a poverty rate above 75 percent may the LEA serve lower-ranked areas. The LEA has the option to (1) rank remaining areas by grade span groupings or (2) continue on with the district wide ranking.

- **The same districtwide poverty average must be used for either option.**
- **If an LEA has no school attendance areas above 75 percent poverty, the LEA may rank district wide or by grade span groupings.**
- **An LEA's organization of its schools defines its grade span groupings. For example, if an LEA had elementary schools serving all elementary grades, middle schools, and high schools, the grade span groupings would be grades K-5, 6-8, and 9-12. To the extent an LEA has schools that overlap grade spans (e.g., K-5, K-8, 6-8), the LEA may include a school in the grade span in which it is most appropriate.**

An LEA with an enrollment of less than 1,000 students or with only one school per grade span is not required to rank its school attendance areas.

LEA Discretion in Selecting Participating Areas and Schools

An LEA may ---

- Designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families — i.e., the “35 percent rule.”
- Use Title I funds in a school that does not serve an eligible school attendance area if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of the LEA.
- Elect not to serve an eligible school attendance area or school that has a higher percentage of children from low-income families if —
 - The school meets the Title I comparability requirements;
 - The school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and
 - The funds expended from such other sources equal or exceed the amount that would be provided under Part A.

Allocating Title I Funds to Participating Areas Schools

An LEA must allocate Title I funds to participating school attendance areas or schools, in rank order on the basis of the total number of children from low-income families in each area or school. An LEA with an enrollment of less than 1,000 students or with only one school per grade span is not required to allocate funds to areas or schools in rank order.

If an LEA serves any areas or schools below 35 percent poverty, the LEA must allocate to all participating areas or schools an amount for each low-income child in each participating school attendance area or school that is at least 125 percent of the LEA's allocation per low-income child.

- **An LEA's allocation per low-income child is the total LEA allocation under subpart 2 of Part A divided by the number of low-income children in the LEA according to the poverty measure selected by the LEA to identify eligible school attendance areas. The LEA then multiplies this per-child amount by 125 percent.**
- **An LEA calculates 125 percent of its allocation per low-income child before the LEA reserves any funds. [This policy reflects the Title I Notice of Proposed Rulemaking (NPRM).]**
- **An LEA must allocate at least this amount for each low-income child in every school the LEA serves, not just for those schools below 35 percent poverty.**
- **If remaining funds are not sufficient to fully fund the next ranked eligible school attendance area or school, the LEA may serve the area or school if it determines the funds are sufficient to enable children to make adequate progress toward meeting the State's challenging performance standards.**

An LEA serving only areas or schools at or above 35 percent poverty must allocate funds on the basis of the total number of low-income children in each area or school but is not bound by 125 percent of the LEA's allocation per low-income child. However, in determining what per-child amount to allocate, the LEA should bear in mind the purpose of such funding — to enable children who are most at risk to meet the State's challenging student performance standards.

An LEA is not required to allocate the same per-child amount to each area or school. However, the LEA must allocate a higher per-child amount to areas or schools with higher poverty rates than it allocates to areas or schools with lower poverty rates. [This policy reflects the Title I NPRM.]

An LEA that opts to serve schools below 75 percent poverty using grade span groupings may determine different per-child amounts for different grade spans as long as those amounts do not

exceed the amount allocated to any area or school above 75 percent poverty. Per-child amounts within grade spans may also vary as long as the LEA allocates higher per-child amounts to areas or schools with higher poverty rates than it allocates to areas or schools with lower poverty rates.

QUESTIONS AND ANSWERS

Q. When applying the “35 percent rule,” must all school attendance areas with at least 35 percent poverty be served?

A. No. However, school attendance areas to be served must be selected in rank order.

Q. Section 1113(b)(1)(C)(i)(II) allows an LEA to skip an eligible school attendance area or school that has a higher percentage of poverty if the area or school is spending supplemental State or local funds “according to the requirements of section 1114 or 1115.” What is meant by “according to the requirements of section 1114 or 1115?”

A. A supplemental State or local program meets the requirements of section 1114 if the program—

- Is implemented in a school that meets the schoolwide poverty threshold for eligibility.
- Is designed to upgrade the entire educational program in the school to support students in their achievement toward meeting the State’s challenging student performance standards.
- Is designed to meet the educational needs of all children in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State’s challenging student performance standards.
- Uses the State’s system of assessment to review the effectiveness of the program.

A supplemental State or local program will be considered to meet the requirements of section 1115 if the program --

- Serves only children who are failing, or most at risk of failing, to meet the State’s challenging student performance standards.
- Provides supplementary services designed to meet the special educational needs of the children who are participating to support their achievement toward meeting the State’s student performance standards that all children are expected to meet.

- Uses the State’s system of assessment to review the effectiveness of the program.

[This policy reflects the Title I NPRM.]

Q. How does an LEA handle carryover funds when allocating funds to school attendance areas?

A. Although an LEA may not use carryover funds to provide services in an ineligible school, an LEA has considerable discretion in handling carryover funds. Some of these options include:

- Allow each school to retain its carryover funds for use in the subsequent year.
- Add carryover funds to the LEA’s subsequent year’s allocation and distribute to participating areas and schools in accordance with allocation procedures.
- Designate carryover funds for particular activities that could best benefit from additional funding. (Examples: parental involvement activities: schools with the highest concentrations of poverty.)

Regardless of the option an LEA elects, the LEA may not carry over more than 15 percent of its allocation from one year to the next. This percentage limitation does not apply to an LEA that receives an allocation of less than \$50,000 for the Title I LEA program (i.e., basic and concentration grant funds). An SEA may, once every three years, waive the percentage limitation if it determines that the request of an LEA is reasonable and necessary or supplemental appropriations become available.

Q. May an LEA allocate a greater per-pupil amount, for example, to schoolwide program schools than to targeted assistance schools since schoolwide programs serve all children in the school?

A. The Title I statute requires allocations to be based on the total number of low-income children in a school attendance area or school. Therefore, poverty is the only factor on which an LEA may determine funding. In other words, an LEA may not allocate funds based on the instructional model, educational need, or any other non-poverty factor. In fact, now that Title I places the responsibility for selecting participants and designing programs on schools rather than on the LEA, the LEA will not necessarily be in a position to know in advance the instructional model or educational need when determining allocations.

Q. May an LEA reserve funds from its Part A allocation before distributing funds to school attendance areas?

A. Yes. An LEA must reserve funds as are reasonable and necessary to—

- provide services comparable to those provided to children participating in Part A schools to serve children in local institutions for neglected children; and
- meet the requirements for parent involvement. An LEA that receives more than \$500,000 under subpart 2 of Part A must spend at least 1 percent of its allocation for parental involvement activities. However, funds that schools spend for parent involvement activities may count toward meeting this requirement.

Consistent with its plan to enable children served by Title I to reach high standards, an LEA may reserve funds as are reasonable and necessary to--

- provide services comparable to those provided to children participating in Title I schools to serve, where appropriate —
 - eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters; and
 - neglected and delinquent children in community day school programs.
- administer programs for public and private school children, including capital expenses needed to provide equitable services to eligible nonpublic school students.
- conduct other authorized activities such as preschool programs, summer school and intercession programs, professional development, school improvement, and coordinated services.

Because the reservation of funds by an LEA will reduce the funds available for distribution to participating areas and schools, the LEA must consult with teachers, pupil services personnel (where appropriate), principals, and parents of children in participating schools in determining, as part of its LEA plan, what reservations are needed.

Q. Is there a maximum amount that an LEA may reserve?

- A. No. An LEA must bear in mind, however, that the goal of Title I is to enable participating children to make adequate progress toward meeting the challenging student performance standards that all children are expected to meet. Moreover, the LEA must calculate 125 percent of the LEA's allocation per low-income child before it reserves any funds.

Q. How may an LEA reserve funds for activities such as parental involvement and professional development?

- A. An LEA may reserve funds at the LEA level for activities such as parental involvement and professional development or the LEA may require its Title I schools to carry out these activities from their allocations. For example, an LEA that is required to spend at least 1 percent of its allocation for parental involvement activities may reserve the full 1 percent from its Part A allocation, require each school to spend a requisite amount from its Part A allocation, or use a combination of these approaches.

Appendix D

OTHER APPLICABLE STATUTORY AND REGULATORY PROVISIONS

The following is a list of the primary Federal education statutory and regulatory provisions that apply to States and subgrantees administering the Education for Homeless Children and Youth program. For more information regarding these provisions and regulations, please contact the Program Office at (202) 260-0995 or (202) 260-0997.

GENERAL EDUCATION PROVISIONS ACT

- (20 USC 1221 et seq.)

EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS

- 34 CFR Part 76 (State-Administered Programs)
- 34 CFR Part 77 (Definitions)
- 34 CFR Part 79 (Intergovernmental Review)
- 34 CFR Part 80 (Uniform Administrative Requirements)
- 34 CFR Part 81 (Enforcement)
- 34 CFR Part 82 (New Restrictions on Lobbying)
- 34 CFR Part 85 (Debarment and Suspension, and Drug-Free Workplace)
- 34 CFR Part 86 (Drug-Free Schools and Campuses)

Appendix E

BIBLIOGRAPHY

Anderson, L., Janger, M., & Panton, K. (1995). An Evaluation of State and Local Efforts to Serve the Educational Needs of Homeless Children and Youth. Washington, DC: U.S. Department of Education.

Preliminary Title I Guidance: Basic Programs in Local Educational Agencies. (1995). Washington, DC: U.S. Department of Education.